

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION


SAMUEL WILLIAM MAINES,)	
ID # 44442-177,)	
Movant,)	No. 3:13-CV-4631-B-BH
vs.)	No. 3:12-CR-151-B-1
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the Court is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the successive motion to vacate is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit under *Henderson v. Haro*, 282 F.3d 862, 864 (5th Cir. 2002) and *In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997). The Clerk of the Court is **DIRECTED** to (1) terminate the post-judgment motion in this habeas case; (2) open a new habeas case for administrative purposes only; (3) docket the post-judgment motion as a § 2255 motion filed November 6, 2019, in that new case; (4) directly assign the new case to the same District Judge and Magistrate Judge as in this case; (5) file a copy of the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and this order accepting those Findings, Conclusions, and Recommendation, and the judgment in that new case; and (6) and without further judicial action,

immediately **TRANSFER** the newly opened § 2255 action to the United States Court of Appeals for the Fifth Circuit.¹

SIGNED this 20th day of December, 2019.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE

¹ An order transferring a successive § 2255 motion to the court of appeals is a nonappealable interlocutory order. *United States v. Darrow*, 196 F. App'x 274, 275 (5th Cir. 2006). Because it is not a “final order,” a certificate of appealability is not necessary. See Rule 11, § 2255 RULES.